

O-08-90

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE DEFINING “WHOLESALE POWER NEGOTIATOR” TO BE PROFESSIONAL SERVICES UNDER ARKANSAS LAW; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, Ark. Code Ann. § 19-11-801, et seq., provides the method cities use to procure professional services, such as: legal, financial advisory, architectural, engineering, construction management, land surveying and such other professional services *as are defined by two-thirds (2/3) vote of city council*; and

WHEREAS, the law for the procurement of professional services requires that selection is based upon analysis of professional qualifications rather than bidding; and

WHEREAS, the City is considering the employment of professionals to function as Wholesale Power Negotiators for the City and believes the proper procedure for such employment is through the RFQ process provided by State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That **Wholesale Power Negotiator** is hereby defined to be a professional service under Ark. Code Ann. § 19-11-801, et seq. Wholesale Power Negotiators may be used as necessary to assist the North Little Rock Electric Department in soliciting, analyzing and submitting for approval wholesale power contracts with recommendations for action. Providers of said service shall have:

- Knowledge and demonstrated experience in leading the negotiations for wholesale power contracts for municipal electric utilities.
- Demonstration of established working relationships with wholesale power marketers.
- Knowledge and demonstrated experience in wholesale power movement to municipal electric utilities over the Entergy Transmission System.
- Knowledge and demonstrated experience in development of an Integrated Resource Plan for municipal electric utilities.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that the passage of this Ordinance is necessary in order to insure the proper representation of the City of North Little Rock, Arkansas in negotiations for wholesale power, and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

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APPROVED:

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Mayor Patrick H. Hays

SPONSOR:

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Mayor Patrick H. Hays

ATTEST:

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Diane Whitbey, City Clerk

APPROVED AS TO FORM:

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C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b